

Entered -6-12-00 - sb
CL 00L0361 - GWENDOLYN BURNS

CLAIM OF:

ANNE G. MCMAHAN
2656 Sharondale Circle
Atlanta, Georgia 30305

For property damages alleged to have been sustained from a sewer
back up on May 7, 2000 at 2656 Sharondale Circle.

THIS ADVERSED REPORT IS
APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL JAN 16 2001

P.S. & L.A.
1/16/01
CHIEF C. T. Martin
[Signature]
Chela Houshian
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 26, 2001

Anne G. McMahan
2656 Sharondale Circle
Atlanta, GA 30305

01-R-0048

Dear Mr. McMahan:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0361

Date: December 27, 2000

Claimant /Victim ANNE G. MCMAHAN
BY: (Atty) (Ins. Co.) _____
Address: 2656 Sharondale Circle, Atlanta, Georgia 30305
Subrogation: _____ Claim for Property damage \$ 2,139.00 Bodily Injury \$ _____
Date of Notice: 5/24/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/7/00 Place: 2656 Sharondale Circle
Department PUBLIC WORKS Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained damages to her home from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the May 7, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.


INVESTIGATION:

Statements: City employee _____ Claimant X Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

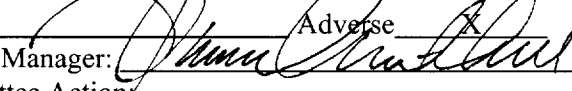
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse _____ Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 12-27-00
Committee Action: _____ Council Action _____

RCS# 2563
1/16/01
4:18 PM

Atlanta City Council

Regular Session

Claims

MULTIPLE

Unfavorable Items 9-33

01-R-0012	01-R-0023	ADOPT
01-R-0013	01-R-0024	
01-R-0014	01-R-0025	YEAS: 13
01-R-0015	01-R-0026	NAYS: 0
01-R-0016	01-R-0027	ABSTENTIONS: 0
01-R-0017	01-R-0044	NOT VOTING: 3
01-R-0018	01-R-0045	EXCUSED: 0
01-R-0019	01-R-0047	ABSENT 0
01-R-0020	01-R-0048	
01-R-0021	01-R-0049	
01-R-0022	01-R-0050	
	01-R-0051	01-R-0052

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	NV Boazman	NV Pitts

MULTIPLE